

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

# **BOARD OF MANAGERS**

**For**

## **Chevy Chase Village, MD**

**SUBJECT:** AN ORDINANCE TO AMEND CHAPTERS 6 AND 12 OF THE CHEVY CHASE VILLAGE CODE TO MODIFY CERTAIN PROVISIONS RELATING TO THE REGULATION OF SIGNS DISPLAYED WITHIN VILLAGE LIMITS AND TO MAKE CERTAIN RELATED TECHNICAL AMENDMENTS.

WHEREAS, Article 23A, Section 2(a) of the Maryland Code grants to the legislative body of every incorporated municipality in Maryland, including Chevy Chase Village, general power to pass such ordinances not contrary to the Constitution of Maryland or public general law as they may deem necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Article 23A, Section 2(b)(5) of the Maryland Code authorizes the legislative body of a municipal corporation to regulate the erection of signs within the limits of a municipality; and

WHEREAS, Article 28, Section 8-115.1 of the Maryland Code authorizes municipal corporations in Montgomery County, such as Chevy Chase Village, to regulate the erection of signs; and

WHEREAS, Section 77-14(a) of the Chevy Chase Village Charter authorizes the Board of Managers to pass ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the health, safety, and welfare of Chevy Chase Village; for the protection and preservation of Chevy Chase Village property, rights, and privileges; for the preservation of peace and good order and

for securing persons and property from violence, danger or destruction; and for the suppression and abatement of all nuisances; and

WHEREAS, the Board of Managers finds that the aggregation of signs in the public right-of-way and on private and public property can cause a visual distraction to vehicle operators and pedestrians, obstruct vehicle operators' and pedestrians' sight lines, and generally inhibit overall traffic safety; and

WHEREAS, the Board of Managers finds that the placing of stakes into the ground when erecting signs could cause damage to roots of the Village's trees and detract from the trees' overall health; and

WHEREAS, the Board of Managers finds that signs are susceptible to damage and deterioration from wind, rain and other elements, which can lead to litter in the Village; and

WHEREAS, the Board of Managers finds that the number of signs and the manner in which signs are displayed has the potential to detract from the appearance of the community through the creation of visual clutter; and

WHEREAS, the Board of Managers finds that the message signs communicate when placed in the public right-of-way can be wrongfully attributed to the owners or occupants of an abutting private property; and

WHEREAS, the Board of Managers finds that, if left unregulated, signs are more likely to cause the aforementioned public harms within the Village; and

WHEREAS, the Board of Managers finds that the harm to the public health, safety and welfare can be limited by regulating the number, size, length of display and location of signs in the Village; and

WHEREAS, after proper notice to the public, the Board of Managers considered a draft Ordinance in an open meeting at which public comment was received on the \_\_\_\_ day of \_\_\_\_\_, 2008; and

WHEREAS, to comply with Article 28, Section 8-115.1 of the Maryland Code, on the \_\_\_\_ day of \_\_\_\_\_, 2008, a copy of the following Ordinance was submitted to the Montgomery County Council for its comments; and

WHEREAS, no comments were received from the Montgomery County Council; and

WHEREAS, after proper notice to the public, and after at least thirty days from the date a copy of the following Ordinance was transmitted to the Montgomery County Council, the Board of Managers conducted a public hearing at which it considered the

following Ordinance in public session assembled on the \_\_\_\_ day of \_\_\_\_\_, ~~2008~~  
2009; and

WHEREAS, the Board of Managers finds that the ordinance as hereinafter set forth is necessary for the good government of the Village; for the protection and preservation of the Village's property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; for the suppression and abatement of all nuisances; and for the protection and promotion of the health, safety, comfort, convenience, and welfare of the residents of the Village.

NOW, THEREFORE, the Board of Managers of Chevy Chase Village does hereby adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTERS 6 AND 12  
OF THE CHEVY CHASE VILLAGE CODE TO  
MODIFY CERTAIN PROVISIONS RELATING TO THE  
REGULATION OF SIGNS DISPLAYED WITHIN  
VILLAGE LIMITS AND TO MAKE CERTAIN  
RELATED TECHNICAL CORRECTIONS.

SECTION 1. BE IT ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, ~~2008~~  
2009, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and the Village Charter, that Chapter 12 of the Village Code is hereby amended to read as follows:

**Chapter 12 SIGNS\***

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\***Cross reference(s)**--Sign permit fees, § 6-2(a.1); Sign code fines, § 6-3(b.1); buildings and building regulations, Ch. 8.  
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- § 12-1. Purpose.
- § 12-2. Definitions.
- § 12-3. Permit required.
- § 12-4. Permit application.
- § 12-5. ~~Posting signs on trees, utility poles and traffic control devices; p~~Prohibited signs.
- § 12-6. Exemptions from Chapter.
- § 12-7. Signs permitted.
- § 12-8. Location of signs.
- § 12-9. Temporary directional signs.
- § 12-10. Nonconforming signs.
- § 12-11. Removal of signs in violation of this Chapter.
- § 12-~~12~~9. Presumption in prosecutions.
- § 12-~~13~~0. Penalties.

## Sec. 12-1. Purpose.

It is the intent of the board of managers to promote the public health, safety and general welfare by providing regulatory requirements for the location, size, and certain features of signs. Frequently, the use of the public rights-of-way, ~~and~~ public property ~~and private property~~ for signs results in ~~the destruction of damage to~~ trees; ~~distraction to and interference with the sight lines of vehicle operators and causes injury to~~ pedestrians, ~~and vehicles and results in and causes~~ litter ~~and visual clutter which detracts from the appearance of the community.~~ ~~The~~ placement of signs in the public right-of-way directly abutting private property may result in the wrongful attribution of the sign's message to the owners or occupants of the abutting private property. ~~In order~~ The purpose of this Chapter is to regulate exterior signs so as to alleviate, to the extent possible, the aforementioned conditions ~~and to protect the health, safety, and public welfare of the Village and its residents; to enhance vehicular and pedestrian safety; to minimize the damage to trees; to reduce litter;~~ to preserve the value of property; and to assure the continued attractiveness of the ~~Village~~village, the board of managers deems it essential that a sign ordinance be enacted.

**Comment [AJC1]:** The ordinance's purpose has been updated to communicate the Board's rationale for regulating signs displayed in the right-of-way directly abutting private property.

(No. - -08, - -08)

## Sec. 12-2. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) *Commercial sign*: Any sign displayed for the purpose of identifying a commercial use, or advertising or endorsing a service, product, business, venture or other enterprise. Such term shall include, but not be limited to, any building-related sign erected, placed or maintained on a property which advertises the name of any individual, firm, company or organization engaged in, expected to commence or having completed any architecture, construction, demolition, excavation, landscaping or any other work on the property.

(b) *Directional sign*: A sign that guides or directs vehicular or pedestrian traffic through the use of words, symbols or otherwise to a specific location.

(c) *Embellishment*: Any balloon, ornament, pennant, pinwheel, ribbon, streamer, or similar object attached to a sign and designed or used to secure the attention of vehicle operators or pedestrians.

(d) *Home security sign*: A sign indicating the existence of an electronic or staffed security system on the property.

(e) *Noncommercial sign*: A sign conveying any political, religious or other noncommercial speech which carries no message, statement or expression related to any commercial interest.

(f) *Political sign*: Any sign designed to promote, support, or oppose any candidate for federal, state, county or local election, or to promote, support, or oppose any political proposition, issue or position.

~~(ag)~~ *Property*: For the purposes of this Chapter all contiguous property under common ownership shall be considered a single property without regard to any “lot lines” as shown on a plat of subdivision.

~~(bh)~~ *Public right-of-way*: Any right-of-way dedicated to public use within the ~~village~~ Village.

(i) *Real estate sign*: Any sign indicating the availability for sale, rent or lease of a specific property, building or portion of a building.

~~(ej)~~ *Sign*: A notice or other display posted in such a manner so as to be visible from a public right-of-way within the ~~village~~ Village, whether posted on public or private property, for the purpose of guiding, advertising, soliciting, promoting, identifying or otherwise calling attention to an event, person, thing or location.

(k) *Sign face*: The singular planar surface of a sign, not including any supporting framework such as a sign’s supports, uprights or bases which do not convey any information.

(l) *Temporary event sign*: A sign intended for display for a limited period of time which announces any public, charitable, educational, religious, celebratory, fundraising or other similar type of event or any special event, such as a garage sale or estate sale.

(No. 1-4-96, 2-12-96; ~~No. - -08, - -08~~)

**Cross reference(s)**--Definitions generally, § 1-2; rules of construction generally, § 1-3.

### **Sec. 12-3. Permit required.**

A permit shall be required for signs described in section 12-7(b) and (c), and section 12-9. No person ~~or persons~~ may erect, place, maintain or authorize the erection, placement or maintenance of any sign for which a permit is required until a permit for such sign has been obtained on public or private property within the village without having obtained a permit from the ~~village~~ Village mManager or

~~his the Manager's~~ designee. No permit shall be issued for a sign not permitted by section 12-7. No permit shall be required for a sign exempted under section 12-6.

**Cross reference(s)**—~~Sign code permit fees, § 6-2(a.1);~~ Fine for violation of this section, § 6-3(b.1)(1).

(No. - -08, - -08)

#### Sec. 12-4. Permit application.

All applications for a sign permit shall be made to the ~~village~~Village mManager or ~~his the Manager's~~ designee and shall state the date, time, location, size and the purpose of the sign to be erected.

(No. - -08, - -08)

#### Sec. 12-5. Prohibited signs.~~Posting signs in the public right-of-way; prohibited.~~

No sign shall be erected, placed or maintained in a manner which would present a physical danger to persons or property or which would violate any of the following conditions:

(a) Private property. No sign other than those exempted in section 12-6 of this Chapter or permitted in section 12-7 of this Chapter shall be erected, placed or maintained on private property.

(b) Public property. No sign shall be erected, placed or maintained on public property unless exempted under section 12-6 of this Chapter.

~~(b) Public right-of-way and public property. Except for signs authorized pursuant to section 12-7(d)(3), No sign shall be erected, placed or maintained in the any public right-of-way or on public property unless permitted on a temporary basis in accordance with section 12-9 or section 12-7(b)(7) of this Chapter or exempted under section 12-6 except as provided in sections 12-6, 12-7(a), 12-7(b)(6) or 12-9 of this Chapter.~~

~~It shall be unlawful for any person or persons to post or authorize the posting of a sign of any type to any trees, utility poles, traffic-control signs, fences or walls in the public right-of-way or on public property.~~

(No. 1-4-96, 2-12-96; ~~No. - -08, - -08~~)

**Cross reference(s)**—Fine for violation of this section, § 6-3(b.1)(2).

#### Sec. 12-6. Exemptions from Chapter.

The requirements of this Chapter shall not apply to the following:

**Comment [AJC2]:** This new language makes clear which signs may be permitted on public property and in the public right of way. To facilitate readability, the provision relating to public property has been separated from the right of way regulation. The paragraph relating to the right of way now provides that no sign may be displayed within the right of way except for exempt signs, noncommercial signs (when displayed by the abutting private property owner(s) or with his/her permission), open house signs, and temporary directional signs.

(a) Any sign erected on private property in accordance with the Manual on Uniform ~~System of~~ Traffic ~~Control~~ Devices adopted by the ~~s~~State ~~h~~Highway ~~a~~Administration.

(b) Any sign erected, placed or maintained by any utility company or government, acting on its own behalf or as an agent for any government, having jurisdiction over the property or right-of-way on which the sign is to be located.

~~(c) Any sign required by the county in relation to an application for a special exemption or variance pursuant to the county zoning ordinance.~~

~~(d)~~ Any sign erected, placed or maintained on private property by a church, synagogue or other place of worship, provided such sign meets the following criteria~~conditions~~:

(1) Lighting shall not be with colored lights;

(2) Not more than one (1) sign ~~for every per~~ street frontage of any property;

(3) No sign shall exceed ~~Not more than~~ sixteen (16) square feet per sign face;

(4) All signs shall be located on the private property of the church, synagogue or other place of worship. At least twenty-five (25) ten (10) feet from all property lines:-

(5) No sign shall interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or constitute an obstruction to those using the public right-of-way;

(6) No sign shall contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians;

(7) Notwithstanding the foregoing, any sign erected, placed or maintained by a church, synagogue or other place of worship in existence as of \_\_\_\_\_, ~~2008~~2009 which does not conform with this subsection, may be maintained, repaired or replaced, provided that such maintenance, repair or replacement does not result in the relocation or expansion of such sign.

(ed) Any residential house number or name sign, provided such sign meets the following conditions:

(1) Such sign is in conformity with the provisions of the Montgomery County Fire Code relating to address numbers, ~~which provides that such signs are to contain arabic numbers at least five (5) inches high for single family residences and at least six (6) inches high for commercial, industrial or multifamily structures (except for signs in existence on April 5, 1988, which were at least three (3) inches high), must be posted on a contrasting background, in a conspicuous place that is unobstructed and clearly readable from the street named in the official address of the structure, and that where a structure has more than one (1) address or shares a common entry or driveway, the numbers must list the addresses in sequence;~~

(2) Lighting shall not be with colored lights; ~~and~~

(3) ~~There shall not be~~ No more than two (2) ~~address number or name~~ signs per street frontage of any property.:-

(4) No sign shall exceed fifty (50) square inches per sign face;

(5) All signs shall be located on private property at least two (2) feet from the nearest public improvement;

(6) No sign shall interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or in a manner which would constitute an obstruction to those using the public right-of-way.

(fe) Any home security sign, provided such sign meets the following conditions:

(1) No sign shall exceed two (2) square feet per sign face;

(2) All signs shall be located on private property at least five (5) feet from the nearest public improvement.

(f) Any sign mandated by local, state or federal law.

(g) Any sign erected, placed, or maintained on commercially zoned property, provided that such signs do not interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or constitute an obstruction to those using the public right-of-way.



(h) Any flag, banner, emblem or insignia of a political or religious organization or a professional, collegiate or scholastic institution displayed on a flag pole, provided such display meets the following conditions:

(1) No flag, banner, emblem, or insignia shall be displayed with a commercial message or in connection with a commercial promotion;

(2) The size of any flag, banner, emblem, or insignia displayed under this subsection shall not exceed twenty-four (24) square feet;

(3) No flag, banner, emblem, or insignia shall interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or constitute an obstruction to those using the public right-of-way.

(i) Any non-commercial decoration associated with any traditionally recognized civic, patriotic, and/or religious holidays, provided that such decorations are maintained in safe condition, do not constitute a fire hazard, and do not interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or constitute an obstruction to those using the public right-of-way.

(No. 23-01-88, 1-11-88; No. 07-02-89, 2-13-89; No. 1-4-96, 2-12-96; ~~)-No. - -08, - -08)~~

## Sec. 12-7. Signs permitted.

(a) ~~Political, religious or personal Noncommercial signs.~~ Signs expressing political, religious, or personal messages Noncommercial signs may be erected, placed or maintained upon a property or in the unimproved section of the public right-of-way, subject to the following conditions:

~~(1) One sign per street frontage of a property;~~

~~(2) No sign may shall~~ exceed sixteen (16) square feet per sign face;

~~(3) No sign may shall~~ be located within five (5) feet of the nearest public improvement, be illuminated or ~~have attention catching contain any embellishment or other attachments which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians;~~

~~(4) All signs must~~ No sign shall be located ~~in the unimproved portion of the public right-of-way, unless authorized by the owner(s) or occupant(s) of the directly abutting private property.~~

~~(a) in the public right-of-way; or~~

**Comment [AJC3]:** In light of the determination to permit the display of noncommercial signs in the right-of-way, provisions were restructured to move this setback language to a new location. It is reflected as newly inserted (and below, deleted) text only for this reason.

NOTE: Please see the accompanying memorandum which describes a policy determination the Board should consider regarding the distance signs displayed in the unimproved portion of the right of way must be set back from the nearest public improvement.

**Comment [AJC4]:** This legislative language will permit Village property owners to place noncommercial signs in the directly abutting unimproved portion of the right of way, or to require that others secure their permission before doing so.

~~(b.) on private property within at least five (5) feet  
of from all property lines the nearest public improvement.~~

(b) *Real estate signs.* Real estate signs may be erected, placed or maintained upon a property to advertise its sale, lease or rent, subject to the following ~~regulations~~ conditions:

~~(1) Regulations applicable to all real estate signs:~~

~~a-(1) Not more than one (1) sign per street frontage of any property:~~

~~(2) Signs shall not~~ No sign shall be located within five (5) feet of the nearest public improvement, be illuminated or ~~have attention catching~~ contain any embellishment or other attachments which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians;

~~b-(3) Signs shall not~~ No sign shall exceed six (6) square feet per sign ~~face in size;~~

~~e-(4)~~ All signs shall be removed immediately upon the sale, lease or rental of the property or upon the expiration of the permit, whichever first occurs:-

~~(5)~~ All signs shall be located only on the property for which the sale, lease or rent is being advertised, except as provided for in paragraph ~~(76)~~.

~~(6) No sign erected, placed or maintained on private property shall be located within five (5) feet of the nearest public improvement.~~

~~(76)~~ Notwithstanding limitations regarding the maximum number of real estate signs set forth in paragraph (1) of this subsection or the maximum cumulative display face area of all signs permitted on any one property contained in subsection (d) of this section, signs advertising any "open house" event shall be permitted in the directly abutting unimproved portion of the public right-of-way during the hours the house is actually open for inspection, provided that such signs meet the following conditions:

(a.) All signs shall be removed immediately upon the conclusion of the "open house" event;

(b.) All signs shall be erected, placed or maintained only on a freestanding stake;

(c.) Not more than two (2) signs advertising an "open house" event for the inspection of the same property shall be permitted in the directly abutting public right-of-way at any one time.

~~(2) Regulations applicable to real estate signs on private property:~~

- ~~a. Signs shall be located no less than five (5) feet from the property line;~~
- ~~b. Not more than one sign shall be permitted for each street frontage.~~

~~(3) Regulations applicable to real estate signs in the public right of way:~~

- ~~a. Only signs advertising an "open house" shall be permitted in the public right of way;~~
- ~~b. Signs advertising an "open house" shall be permitted only during the hours the house is actually open for inspection.~~

(c) *Temporary event signs.* Temporary event signs may be erected, placed or maintained on a property to only on a free-standing stake advertising the temporary event, its location, time and date, ~~and~~ subject to the following ~~criteria~~conditions:

- (1) Not more than one (1) temporary event-sign shall be erected, placed or maintained for any one event per street frontage of any property;
- (2) No Temporary event signs shall ~~not~~ be located within five (5) feet of the nearest public improvement, be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians;
- (3) All ~~temporary event~~-signs shall be erected no earlier than seven (7) days prior to the commencement of an event and shall be removed immediately at the conclusion of the event~~;~~:-
- (4) ~~Temporary event signs shall not~~ No sign shall exceed six (6) square feet per sign face~~in size~~:-
- (5) Not more than ten (10) signs regarding the same event shall be permitted at any time in the public right of way.

~~(5) No sign shall be located:~~

- ~~(a.) in the public right of way; or~~
- ~~(b.) on private property within five (5) feet of the nearest public improvement.~~

~~(65)~~ All signs shall be erected, placed or maintained only on the property at which the temporary event is scheduled to occur.

~~(d) Notwithstanding the foregoing, the cumulative display face area for all signs permitted under this section to be erected, placed or maintained per street frontage of any property (including signs authorized in accordance with this section to be located in the directly abutting public right-of-way) at any one time shall not exceed ninety (90) square feet. For any sign containing two (2) sign faces, only the size of the largest sign face shall be counted towards the cumulative display face area for purposes of this subsection. For any sign containing greater than two (2) sign faces, the size of all such sign faces shall be counted towards the cumulative display face area for purposes of this subsection.~~

~~(d) Political signs. In addition to a sign permitted by Section 12-7(a), political signs promoting candidates for public office, a proposition, issue or position may be erected within the village provided the following criteria are met:~~

~~(1) Political signs shall be for candidates, propositions, issues or positions on which residents of the village are eligible to vote.~~

~~(2) Political signs shall:~~

~~a. Not exceed nine (9) square feet in size;~~

~~b. Be erected only on a freestanding stake;~~

~~c. Not be illuminated;~~

~~d. Be located at least five (5) feet from the property line if erected on private property;~~

~~(3) Political signs may be posted on private property sixty (60) days prior to election, and in the public right of way thirty (30) days prior to election, and must be removed within seven (7) days after the election.~~

~~(No. 1-4-96, 2-12-96; No. - -08, - -08)~~

**Cross reference(s)**--Fine for violation of this section, § 6-3(b.1)(3).

### **Sec. 12-8. Location of signs.**

No sign shall be erected, placed or maintained in a manner which would interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or in a manner which would constitute an obstruction to those using the public right-of-way.

(No. \_\_-08, \_\_ - \_\_-08)

**Sec. 12-9. Temporary directional signs.**

Signs designed to guide or direct vehicular or pedestrian traffic to a temporary event or real estate "open house" event as those terms are used in section 12-7 shall be permitted on a temporary basis in the unimproved portion of the public right-of-way, provided that such signs meet the following conditions:

(1) No more than six (6) signs relating to a single event shall be located in the public right-of-way at any one time;

(2) No sign shall be located on or within two (2) feet of the nearest public improvement;

(3) No sign in the public right-of-way shall exceed six (6) square feet per sign face;

(4) Signs shall not be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians;

(5) Signs shall be erected, placed or maintained in the public right-of-way only for the duration of the event and shall be removed immediately upon the conclusion of the event.

**Comment [AJC5]:** Please see the accompanying memorandum which describes a policy determination the Board should consider regarding the distance signs displayed in the unimproved portion of the right of way must be set back from the nearest public improvement.

(Res. No. 08-\_\_, § \_\_, \_\_ - \_\_-08)

**Sec. 12-8. Signs prohibited.**

~~Signs displaying commercial advertisements, commercial endorsements, or identifying commercial products, services, or companies may not be erected on residentially-zoned property.~~

~~(No. 14-96, 2-12-96)~~

**Sec. 12-10. Nonconforming signs.**

Unless otherwise provided elsewhere in this Chapter, signs existing on \_\_\_\_, ~~2008~~2009 which do not conform to this Chapter shall be removed in accordance with section 12-11.

**Sec. 12-~~9~~11. Removal of signs in violation of this Chapter.**

(a) The Village Manager or the Manager's designee may remove or order the removal of any sign erected, placed, or maintained in violation of this Chapter, subject to the following conditions:

(1) *Private property.* At least five (5) days prior to the removal of any sign located on private property in violation of this Chapter, notice shall be given in writing to the sign owner or the owner of the building, structure or property on which the sign is located, to remove the sign or to bring it into compliance with this Chapter.

Upon request by any person receiving such a notice, a pre-removal administrative hearing shall be provided by the Village Manager as soon as practicable to determine whether a violation of this Chapter has occurred. The Village shall remove the sign upon the failure of the sign owner to comply with any notice provided or with any determination made as a result of an administrative hearing when such a hearing has been requested.

(2) *Public right-of-way, public property, or government-owned or utility owned property.* The Village Manager or the Manager's designee may remove or order the removal of any sign located in the public right-of-way, on public property, or on government-owned or utility-owned property in violation of this Chapter without providing notice to a sign owner and without a pre-removal administrative hearing.

Upon removal, the Village Manager or the Manager's designee shall inform the sign owner (in the event the sign owner can be reasonably identified) of the sign's removal and of the sign owner's right to request an administrative hearing regarding the removal. Upon request by any person receiving such a notice, a post-removal administrative hearing shall be provided by the Village Manager as soon as practicable to determine whether a violation of this Chapter has occurred.

(b) The Village may remove a sign in violation of this Chapter immediately and without notice or a pre-removal administrative hearing if it reasonably appears that the sign has been erected, placed or maintained in any location in violation of section 12-8 of this Chapter and if the condition of the sign is such as to present an immediate threat to the safety of the public.

(c) Any cost of removal incurred by the Village shall be assessed to the owner of the property on which such sign is located, or, in the case of a sign located in the public right-of-way or on public property, to the sign owner if such owner can be reasonably identified or the person for whose benefit or on whose behalf the sign was erected, placed or maintained. Such cost may be collected in the manner of an ordinary debt or in the manner of taxes and such charge shall be a lien on the property upon which the sign is located.

~~Any sign found in the public right of way in violation of this chapter may be removed and destroyed by the village manager or his designee after making a reasonable effort to notify the person who erected it or authorized its erection.~~

(No. 1-4-96, 2-12-96; ~~No. - -08, - -08~~)

#### **Sec. 12-1~~20~~. Presumption in prosecutions.**

In any prosecution charging a violation of any provision of this ~~e~~Chapter ~~governing a sign in the public right of way~~, proof that the ~~particular~~ sign described in the notice of violation was placed, ~~or erected~~ or maintained at the ~~point location where~~ and during the time ~~when of~~ the alleged violation ~~occurred~~ shall create a rebuttable presumption that such placement, ~~or erection~~ or maintenance was done or authorized:

(1) by the person identified as the owner of record for the property on which the sign is found to be in violation, in the case of a sign located on private property; or

(2) by the person, organization, corporation or candidate (or their agent) for whose benefit or on whose behalf the sign was placed, ~~or erected~~, or maintained in the public right-of-way or on public property.

(No. 1-4-96, 2-12-96; ~~No. - -08, - -08~~)

#### **Sec. 12-1~~31~~. Penalties.**

Any person who violates any provision of this Chapter or directs another to violate a provision of this Chapter or allows a violation of this Chapter on his or her property or in the unimproved portion of the right-of-way directly abutting his or her property, or any person's employer if the person acted in the course of his or her employment, shall be guilty of a municipal infraction and shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of the Chevy Chase Village Code. Each sign found to violate this Chapter shall constitute a separate offense. Each day that a violation of this Chapter exists shall constitute a separate offense.

(No. 1-4-96, 2-12-96; ~~No. - -08, - -08~~)

SECTION 2. AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, ~~2008~~ 2009, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and the Village Charter, that Section 6-2 of the Village Code is hereby amended to read as follows:

#### **Sec. 6-2. Fees and charges for permits and services.**

\* \* \*

(a.1) *Sign code (Chapter 12) permit fees.*

- (1) Real estate signs, each.....5.00
- (2) ~~All other signs~~ Temporary event signs,  
each.....1.00
- ~~(3) Directional signs, each.....1.00~~
- ~~(34) Political Noncommercial signs.....No fee~~

SECTION 3. AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, ~~2008~~ 2009, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and the Village Charter, that Section 6-3 of the Village Code is hereby amended to read as follows:

**Sec. 6-3. Municipal infraction fines.**

\* \* \*

(b.1) *Signs code (Chapter 12) fines.*

- (1) Section 12-3, sign permit requirement ..... 15.00
- (2) Section 12-5, ~~posting signs on trees, utility poles and traffic control devices,~~ prohibited signs.....  
15.00
- (3) Section 12-7, signs; permitted ..... 15.00

SECTION 4. AND BE IT FURTHER ORDAINED AND ORDERED, this \_\_\_\_ day of \_\_\_\_\_, ~~2008~~ 2009, by the Board of Managers of Chevy Chase Village, acting under and by virtue of the authority granted to it by Articles 23A and 28 of the Maryland Code and the Village Charter, that:

(1) If any part or provision of this ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the ordinance as a whole or any remaining part thereof; and

(2) This ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, ~~2008~~ 2009, provided the same is posted at the Village Office for fourteen (14) days prior thereto.

CHEVY CHASE VILLAGE



\_\_\_\_\_  
Douglas B. Kamerow, Chairman  
Board of Managers  
Chevy Chase Village

ATTEST:

\_\_\_\_\_  
Susie Eig, Secretary

Underline indicates new material

Double Underline indicates new material added following introduction

~~Strikethrough~~ indicates material deleted

~~Double Strikethrough~~ indicates material deleted from version introduced

\* \* \* indicates material unchanged

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